

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Fifth day of May Two Thousand Twenty One

PRESENT

The Hon`ble Ms Justice R.N. MANJULA

CRIMINAL ORIGINAL PETITION No.8357 of 2021

1 VISWESWARAN [PETITIONERS / ACCUSED]
2 SASIKALA
3 MADHAIYAN

Vs

THE STATE REP BY [RESPONDENT]
INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
DHARMAPURI.
CR.NO.3/2021.

For Petitioner : M/S.K.V.MUTHU VISAKAN Advocate

For Respondent : M/S.T.SHUNMUGARAJESWARAN, Govt. Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 417, 498 (A), 323, 354, 506(2), 307 of I.P.C. and Section 4 of Dowry Prohibition Act in Crime No.3 of 2021, seeks anticipatory bail.

2. The first petitioner/A1 is the husband of the de-facto complainant, the second petitioner/A2 and the third petitioner/A3 are mother-in-law and father-in-law of the de-facto complainant. The case of the prosecution is that the marriage between the first petitioner and the de-facto complainant took place on 14.09.2018. From the date of marriage onwards, all the three accused harassed the de-facto complainant and demanded dowry.

3. The learned counsel appearing for the petitioners submits that the petitioners are innocent persons and they have been falsely implicated in this case, and that the de-facto complainant/wife of the first accused is living separately. Therefore, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate appearing for the respondent submits that an F.I.R. has been registered against the petitioners, as per the directions of the learned Judicial Magistrate, Additional Mahila Court, Dharmapuri.

5. Considering the above facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. The first accused should not attempt to visit the de-facto complainant without her consent and should not harass or intimidate her directly or indirectly in any way. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate, Additional Mahila Court (Magistrate Level), Dharmapuri on condition that each of the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only), with two sureties, each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further conditions that:

[a] the petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioners viz., A1 and A3 shall appear before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter as and when required for interrogation and insofar as the second petitioner/A2 is concerned, she shall report before the respondent police as and when required for interrogation.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-
05/05/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
ADDITIONAL MAHILA COURT, DHARMAPURI.

2 THE JUDICIAL MAGISTRATE,
ADDITIONAL MAHILA COURT,
(MAGISTRATE LEVEL) DHARMAPURI.

3 THE CHIEF JUDICIAL MAGISTRATE
DHARMAPURI. [FOR INFORMATION]

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
DHARMAPURI.

CC to M/S.K.V.MUTHU VISAKAN Advocate on payment of necessary charges

CRL OP.8357/2021

Date :05/05/2021

TA-23/06/2021

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